

**RESOLUTION NO. 20R-07-135**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA GRANTING THE SPECIAL EXCEPTION USE DEVELOPMENT ORDER TO HALLE PROPERTIES, LLC, SUBJECT TO CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT AN AUTOMOBILE REPAIR USE ON A 2.34 ± ACRE SITE LEGALLY DESCRIBED AS PROVIDED HEREIN; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, this property is zoned General Commercial (CG) by the City of Lauderhill Zoning Map; and

WHEREAS, pursuant to the Land Development Regulations (LDR), this use is permitted in the General Commercial zoning district by Special Exception approval only; and

WHEREAS City Staff recommends that the City Commission vote **AGAINST** of this Special Exception Use Development Order request, however, if the City Commission does vote in favor of item despite Staff's recommendation AGAINST it, then approval should be subject to the following conditions;

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

Section 1. The Special Exception Use Order of Halle Properties, LLC., to allow in the General Commercial (CG) Zoning District an Automobile Repair Use on a 2.34 ± acre site legally described as provided herein, is hereby approved subject to the following conditions:

1. This Special Exception Use development order for an Automobile Repair Use shall be specifically granted to Halle Properties, LLC, such development order cannot be assigned, leased, subleased, transferred or otherwise conveyed to another entity without further Special Exception approval from the City Commission. Further, this special exception use development order shall automatically expire and become null and void if any entity other than Halle Properties, LLC operates the use.
2. A Site Plan Approval is required for the New Construction of the proposed Automotive Repair Use provided by the applicant.

3. Outdoor Storage of merchandise/materials/vehicles shall be prohibited. Repair garages and car washes shall store all motorized and ancillary vehicles, parts, and materials inside the building wherein the business is licensed to operate.
4. Any and all work shall be entirely conducted within the confines of the building wherein the business is licensed to operate.
5. The Automotive Repair Use days and hours of operation respectively are Monday through Saturday from 8:00 A.M. to 6:00 P.M. as indicated on the application. Should the operators desire to extend the days or hours of operation, then an additional special exception use application will need to be filed with the Planning and Zoning Division and granted by the City Commission.
6. Any special exception approval granted by the City Commission shall expire one hundred eighty (180) days after the date of approval, unless a development permit or site plan approval, if appropriate, is applied for within the one hundred eighty-day period.
7. If a use which has been granted a special exception shall cease to operate for a continuous period of one (1) year, the special exception approval shall expire
8. The owner shall execute a trespass agreement for the police department to keep on file for enforcement.
9. If the City's Code Enforcement Board assesses a lien for landscaping, trash or other unsightly or unsafe conditions, this special exception use development order may be brought before the City Commission to be reconsidered, at which time the development order or the conditions of approval may be subject to modification, suspension or revocation.
10. If the City's Police Department or Code Department records more than three instances regarding noise, loitering, parking or criminal activity, either from observation by police officers or verified from complaints by three or more unrelated individuals, within any ninety (90) day period, the special exception use may be brought before the City Commission to be reconsidered, at which time the development order or the conditions of approval may be subject to modification, suspension or revocation.

11. Any violation of these conditions of approval may result in a public hearing before the City Commission and may result in the modification, suspension or revocation of this special exception use development order or its conditions or both. Further, consistent with LDR Article IV, Part 1.0., Section 1.8, this development order may be revoked, suspended or modified based on the grounds stated herein. In addition, this development order is subject to post-approval review consistent with LDR Article IV, Part 4.0., Section 4.11.

Section 2. The Staff Report, as prepared by City staff, and all other substantial competent evidence presented at the Commission meeting, is incorporated herein and is hereby adopted as the findings of fact as to this special exception.

Section 3. This Resolution shall take effect immediately upon its passage.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

PASSED AND ADOPTED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
PRESIDING OFFICER

ATTEST:

\_\_\_\_\_  
CITY CLERK

MOTION \_\_\_\_\_  
SECOND \_\_\_\_\_

M. BATES \_\_\_\_\_  
H. BERGER \_\_\_\_\_  
R. CAMPBELL \_\_\_\_\_  
D. GRANT \_\_\_\_\_  
K. THURSTON \_\_\_\_\_

Approved as to Form

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W. Earl Hall  
City Attorney